

Closing Procedures: **The Duties of the Election Commission** 2017 ECAM Convention

Presented by:
Mississippi Secretary of State's Office
Elections Division



DELBERT HOSEMANN
Secretary of State

Absentee Ballots



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Counting Absentee Ballots

Election Commissioners (in DRE/TSX Counties):

- The “ACCEPTED” ballot envelopes are opened and the ballots removed, without examining the ballots.
- Scan the ACCEPTED absentee ballots through the central scanner at Election Central and add the absentee ballot totals to the precinct count.
- Ensure the names of the voters of the “ACCEPTED” absentee ballots were written in the receipt book.
- Ensure the word “VOTED” was written beside the names of the voters of the “ACCEPTED” absentee ballots by the poll managers.
- Reseal all absentee materials (opened accepted ballot envelopes, absentee ballots and rejected absentee ballots still sealed in their envelopes) in the ballot box.



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Counting Absentee Ballots

Election Commissioners (in non-DRE Counties):

- Ensure the poll managers processed the absentee ballots at the precinct, marking each absentee ballot envelope as accepted and rejected.
- Ensure the poll managers counted each “ACCEPTED” absentee ballot and added the total to the precinct count.
- Ensure the names of the voters of the “ACCEPTED” absentee ballots were written in the receipt book.
- Ensure the word “VOTED” was written beside the names of the voters of the “ACCEPTED” absentee ballots by the poll managers.
- Ensure the absentee ballots are accounted for and sealed in the ballot box.



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Absentee Ballots

Election Commissioners (or Circuit Clerks or Resolution Board Members) do **NOT**:

- Process, review and/or mark absentee ballots envelopes as “ACCEPTED” or “REJECTED.”
- Re-evaluate absentee ballot envelopes or applications.
 - Poll managers’ decision is final.
 - If the poll managers do not review and mark the absentee ballot envelopes at the precinct, you must call them back to the courthouse to properly process and mark.



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Affidavit Ballots



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Affidavit Ballots Are Used When:

1) A voter's name does not appear in the pollbook because:

- The voter has moved within the city, district or county but did not update his registration with the Municipal Clerk or Circuit Clerk
- The voter has moved outside of the city, district, or state but did not update his registration with the Municipal Clerk or Circuit Clerk;
- The voter was purged (correctly or erroneously) from SEMS; or,
- The voter was denied registration.



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Affidavit Ballots Are Used When:

- 2) A voter is unable to present an acceptable form of photo ID.
- 3) A voter is unable to present an acceptable form of photo ID because he/she has a religious objection to being photographed.
- 4) A voter's photo ID does not "fairly depict" the voter.



Affidavit Ballots Are Used When:

- 5) The voter's name on his/her presented photo ID is not "substantially similar" to his/her name as it appears in the pollbook.
- 6) A voter is a first-time, unverified mail-in registrant, who does not have a HAVA ID.
- Current utility bill
 - Current bank statement
 - Current government check or paycheck
 - Other government document showing the name and address of the voter



Affidavit Ballot Envelope Must **Include:**

- Voter's complete name;
- Voter's current residential and mailing addresses, previous residential and mailing addresses, and telephone number(s);
- Reason why the voter believes he/she is casting an affidavit ballot;
- Signature of the affiant/voter; and
- Signature of one of the poll managers.



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Processing Affidavit Ballots

- When canvassing and certifying the election, the officials in charge of the election process affidavit ballots at Election Central.
- Affidavit ballot envelopes must be marked “ACCEPTED” or “REJECTED,” with the reason for rejection marked on the envelope along with any follow-up action to be taken.



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Processing Affidavit Ballots

- A voter who casts an affidavit ballot because he/she does not have an acceptable form of photo ID has five (5) business days after the election to present a photo ID to the Circuit Clerk's Office.
- A voter who casts an affidavit ballot because he/she has a religious objection to being photographed has five (5) business days to sign an Affidavit of Religious Objection in the Circuit Clerk's Office.



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Processing Affidavit Ballots

For all affidavit ballots:

1. Make certain the affidavit (on the envelope) is signed by the voter and a poll manager.
2. Look at the reason the voter marked for casting an affidavit ballot.
 - If the voter cast an affidavit ballot because he/she was unable to present an acceptable photo ID, verify whether the voter presented an acceptable photo ID to the Circuit Clerk's Office within five (5) business days after the date of the election.
 - If the voter did not return to the Circuit Clerk's Office and present an acceptable form of photo ID, the affidavit ballot is REJECTED.



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Processing Affidavit Ballots

- If the voter cast an affidavit ballot because he/she had a religious objection to being photographed and didn't present an acceptable form of photo ID, verify whether the voter signed an Affidavit of Religious Objection in the Circuit Clerk's Office within five (5) business days after the date of the election.
 - If the voter did not return to the Circuit Clerk's Office and sign an Affidavit of Religious Objection, the affidavit ballot is **REJECTED**.
 - If the voter did return to the Circuit Clerk's Office and signed an Affidavit of Religious Objection, the affidavit ballot is **ACCEPTED**.



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AFFIDAVIT OF RELIGIOUS OBJECTION

VOTER INFORMATION: (Please PRINT)

Voter's Name: _____
First Middle Last

Last Four Digits of Social Security # Date of Birth: ____/____/____

Current Street Address: _____
City/Town State Zip

Current Mailing Address: _____
City/Town State Zip

TO THE ELECTION COMMISSION:

The undersigned, after being first duly sworn, deposes and states as follows:

1. I am a duly qualified and registered voter,
2. It is against my religious beliefs and practices to be photographed. / I have a religious objection to being photographed.
3. I understand that I may be convicted of a felony, punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or fined not less than \$100.00 nor more than \$1,000.00, or both for making a sworn false statement or Affidavit pursuant to Section 97-7-35, Miss. Code Ann.

DATED, this the _____ day of _____, _____.

AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME, this the _____ day of _____, _____.

(CLERK'S SEAL)

Circuit Clerk's Signature

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Processing Affidavit Ballots

3. Check the Master Voter Roll (or SEMS) to determine whether the affidavit voter is a registered voter.
4. If the voter is registered, check the voter's status.
 - ACTIVE: Ballot ACCEPTED if cast in the precinct of the voter's current residence.
 - INACTIVE: Ballot ACCEPTED if cast in the precinct of the voter's current residence (moved out of original precinct but within county).
 - PURGED: Ballot REJECTED, if the purge was proper.
 - PENDING: If the voter registered to vote within 30 days of the election, ballot is REJECTED.
 - Look at the voter's registration application or check with the Circuit Clerk's Office to determine when the registration application was stamped received/postmarked.



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4. If the voter's name is not on the Master Voter Roll (or SEMS) determine whether the affidavit voter did submit a registration application:
 - Any evidence of registration?
 - DPS registrations?
 - Ballot REJECTED if the voter never registered.
 - Ballot REJECTED if the voter is registered in another county.
 - Ballot REJECTED if the voter registered within 30 days of the election.
 - Was the voter denied registration?



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Processing Affidavit Ballots

Final Action:

- Mark the affidavit ballot envelope “ACCEPTED” or “REJECTED.”
- If rejected, mark the reason why the affidavit ballot was rejected.
- If accepted, open the affidavit ballot envelope, scan the ballot and ensure the vote totals are added.
- Follow-up Action:
 - Mark follow-up action on the affidavit ballot envelope (i.e., update address, restore voter to an active status, mail registration application to voter).



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Free Access System

All affidavit voters must be provided with written information on how to ascertain whether his/her affidavit ballot was counted, and, if not, why it was not counted.

- HAVA requirement
- The County must have a free access system.
 - Typically the Circuit Clerk or Election Commission's phone number.



Resolution Board



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Resolution Board

Composition:

- An odd number of not less than three (3) registered voters of the county.
- Election Commissioners, candidates and parents, siblings or children of candidates cannot be appointed.
- Members of a County Executive Committee cannot be appointed in a Primary Election.
- Members of a County Executive Committee cannot be appointed in a General Election unless members of all committees who have a candidate on the ballot are appointed.
- Must attend poll manager training.



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Purpose of the Resolution Board

- Manually reviews all damaged, defective, blank or over-voted ballots rejected by the tabulating equipment.
- Determines the intent of the voter and records the vote intended by the voter.



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Procedure

- Ballots rejected by a voting machine must be deposited in a strong and secure envelope marked “Resolution Board.”
- The “Resolution Board” envelope is handled solely by the Election Commissioners or the officials in charge of the election.
- The Election Commissioners, or the officials in charge of the election, deliver the “Resolution Board” envelope to the Resolution Board.



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Procedure

- If the intent of the voter can be determined from the ballot, the Resolution Board prepares a duplicate ballot to replace the damaged or defective ballot.
- The duplicate ballot is processed through the tabulating equipment (OMR).



Preparing a Duplicate Ballot

To prepare a duplicate ballot:

- Make a copy of the original damaged or defective ballot, and
- Mark the first original as “Original #1” and the copy as “Duplicate #1.”
- Prepare subsequent originals and duplicates in the same manner with sequential numbering.



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Blank Ballots

- Blank ballots are ballots a voting machine rejects because it does not detect a vote on the ballot.
- The Resolution Board examines a blank ballot to verify whether it is blank or marked with a “non-detectable” marking device.
- If marked with a “non-detectable” marking device, the Resolution Board prepares a duplicate ballot of the original ballot and then scans the duplicate ballot through the tabulating equipment (OMR).



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Overvote

- An over-vote occurs when a voter chooses more candidates or measures than the voter is entitled to cast on a ballot.
- All ballots rejected by the voting machine containing over-votes are reviewed by the Resolution Board.
- If the voter's intent with regard to the over-voted race/measure cannot be determined by the Resolution Board, the officials in charge of the election may use the voting machine to count the votes in the remaining races which are unaffected by the over-vote.
- All other ballots which are over-voted are counted manually by the Resolution Board and the voter's intent is determined by the provisions set forth in statute.



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OMR Ballot Acceptable Marks

In reviewing a ballot on which a voter failed to fill in the circle, the Resolution Board shall count the vote if:

1. The voter marks the circle with an (X) or checkmark and the lines intersect within or on the line of the circle by the ballot measure or candidate.
2. The voter blackens the circle and the blackened portion extends beyond the boundaries of the circle.
3. The voter marks the ballot with an (X) or checkmark and the lines that form the mark intersect adjacent to the ballot measure or the name of the candidate.



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OMR Ballot Acceptable Marks

4. The voter underlines the ballot measure or the name of a candidate.
5. The voter draws a line from the circle to a ballot measure or the name of a candidate.
6. The voter draws a circle around the ballot measure or the name of the candidate.
7. The voter draws a circle around the circle adjacent to the ballot measure or the name of the candidate.



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Voting Equipment

- OMR and automatic tabulating equipment shall be programmed, calibrated, adjusted and set up to reject ballots that appear to be damaged or defective.
- Any switch, lever or feature on OMR or automatic tabulating equipment that enables or permits the equipment to override the rejection of damaged or defective ballots so that such ballots will not be reviewed by the Resolution Board shall not be utilized.



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Canvassing and Certifying



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Canvassing the Election Returns

The Executive Committee in Primary Elections and the Election Commission in the General Election must “canvass” the election returns. Canvassing requires:

- Verifying all ballot boxes received on election night have seal numbers which match the seal numbers provided by the R/R manager’s form,
- Verifying the receipt book is in the sealed ballot box,
- Verifying receipt of certified results
 - Result Total Tapes or Hand-Count Tally Sheet,



Canvassing the Election Returns

- Verifying absentee ballots are marked accepted or rejected,
- For accepted absentee ballots, ensuring the voters' names were written in the receipt book and "VOTED" was written in the pollbook, with the notation "AB,"
- Comparing the number of absentee ballot envelopes (total) to the number of absentee voters' names provided on the absentee ballot list provided by the Circuit Clerk,
- Opening and scanning the accepted absentee ballots (if using a central scanner),



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Canvassing the Election Returns

- Securing all absentee ballot materials,
- Scanning emergency and curbside ballots (if using a central scanner),
- Securing emergency and curbside ballots,
- Accepting or rejecting affidavit ballots,
- Ensuring all affidavit voters' signatures are on a separate receipt book and the count matches,
- Opening and scanning the accepted affidavit ballots (if using a central scanner),
- Securing affidavit ballots,



Canvassing the Election Returns

- Matching the Result Totals from the tapes to the Ballot Accounting form,
- Verifying the tally conducted by the poll managers on Election Day,
- Verifying the Ballot Accounting forms,
- Creating a separate Ballot Accounting form for the entire county, and
- Ensuring all ballot boxes are resealed and the seal number is recorded.



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Canvassing the Election Returns

- Make sure all ballot boxes are resealed and the number on the seal(s) is recorded.
- *Do not place the pollbook in the ballot box. The pollbook is subject to a public records request, while the receipt book is not. The pollbook is to be kept by the Circuit Clerk.*



Canvassing the Election Returns

- The recapitulation forms used to certify an election are required by state statute.
- Either print the Recapitulation Report from SEMS and verify the results, or use the blank Recapitulation Reports provided by our Office.
- A majority of the Officials charged with the election (quorum) must sign the report to certify the election results.



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Sign All Three Original Recapitulation Reports:

- Report for the Secretary of State's Office
- Report for the Election Commission
- Report for the Circuit Clerk's Office
- Mail, e-mail or fax the Certified Recapitulation form to the Mississippi Secretary of State's Office within 10 calendar days after the election.



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Contact Information

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